United Nations A/C.3/52/SR.38

General Assembly
Fifty-second session

Official Records

Distr.: General
12 May 1998
English
Original: French

Third Committee

Summary record of the 38th meeting
Held at Headquarters, New York, on Monday, 17 November 1997, at 10 a.m.

Chairman: Mr. Busacca ..... (Italy)

Contents

Agenda 112: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

97-82844 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 112: Human rights questions (*continued*) (A/52/3, A/52/116, A/52/173, A/52/254-S/1997/567, A/52/262, A/52/286-S/1997/647, A/52/301-S/1997/668, A/52/347, A/52/432, A/52/437 and A/52/447-S/1997/775)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/52/66, A/52/81-S/1997/153, A/52/85-S/1997/180, A/52/117, A/52/125-S/1997/334, A/52/133-S/1997/348, A/52/134-S/1997/349, A/52/135, A/52/151, A/52/182, A/52/204, A/52/205, A/52/468, A/52/469 and Add.1, A/52/473, A/52/474, A/52/475, A/52/483, A/52/489, A/52/494, A/52/498, A/52/548, A/52/567 and A/52/477)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/52/64, A/52/125-S/1997/334, A/52/170, A/52/61-S/1997/68, A/52/497, A/52/502, A/52/515, A/52/527, A/52/472, A/52/476, A/52/479, A/52/484, A/52/486/Add.1/Rev.1, A/52/490, A/52/493, A/52/496, A/52/499, A/52/505, A/52/506, A/52/510, A/52/522 and A/52/583)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/52/36, A/52/182)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/52/36, A/52/182)

1. **Mr. van der Stoel** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq) said that he had first addressed the Committee as Special Rapporteur on the situation of human rights in Iraq in November 1991. At that time, he had been impressed by the seriousness and extent of the allegations of human rights violations committed in Iraq and by the noticeable inadequacy of the efforts made by the Iraqi Government to put an end to such violations. Six years later, his analysis, based on information including testimony received from persons interviewed in countries neighbouring Iraq, remained the same: widespread, systematic and serious violations of human rights continued to be committed in Iraq.

2. Before commenting on the matter at hand, he wished to note that, contrary to what the Government of Iraq wanted the world to believe, his views on the situation in that country were shared by other independent experts, since they were similar to those formulated by the 18 independent experts entrusted by the Human Rights Committee with monitoring Iraq's compliance with its human rights obligations. Only recently, at its sixty-first session, the Human Rights Committee had endorsed those views (see CCPR/C/79/Add.84), observing that the human rights situation had continued to deteriorate since the submission by the Government of its last report; that the Government could not invoke the political and economic situation which it had created to justify human rights violations in its territory; that there was no justification for the continuation of cruel and unusual punishment such as amputation; and that the existence of special security courts, which could impose the death penalty, and against which there was no possibility of appeal, was in violation of international law.

3. The four main types of human rights violations covered by his report were violations of the personal security and integrity of individuals, violations of freedom of opinion and expression, forced displacement and violations of the right to food and the right to health. The allegations of summary, arbitrary and extrajudicial executions reported to him from many parts of the country were not surprising, because Iraqi legislation routinely prescribed the death penalty, even for minor offences, and also because the special security services and important figures in the regime had the power to take people's lives at will; the Iraqi Government made no attempt whatsoever to change that state of affairs, which it even justified on the grounds that the "situation" was difficult and that crime was on the increase.

4. He had already drawn the international community's attention to the virtual absence of freedom of opinion and expression in Iraq. The Government exercised almost total control over associations and the media, and public opinion was stifled by Revolution Command Council Decree No. 840 (1986), which prescribed the death penalty for anyone who dared to criticize the President, the Revolution Command Council, the National Assembly, the Government or the Baath Party. It was interesting to note in that connection that the Iraqi Government continued to refuse to repeal that decree, as it had recently informed the Human Rights Committee; that decree was clearly intended to nip any attempt at opposition in the bud.

5. With regard to forced displacement, the Government continued forcibly to displace persons belonging to non-Arab communities, in particular in the Governorate of

Kirkuk. Its ongoing Arabization programme was thus forcing Kurds and Turkomans out of their regions, leaving them no other recourse than to seek refuge in the northern governorates of Irbil, Dohuk or Suleymaniyah, without any personal belongings, or to move to the southern governorates with their personal belongings. That fundamentally discriminatory programme violated a host of human rights obligations, including freedom of movement and the rights to privacy and property. It clearly showed that the Government was not at all interested in the welfare of the population, but sought only to maintain the privileges of a certain group of persons.

6. Finally, there continued to be spectacular violations of the rights to food and health by the Iraqi Government, at the expense of the majority of the population. Although the United Nations had offered the Iraqi Government a food-for-oil arrangement within a year of the imposition of sanctions, the Government had waited almost five years before accepting the offer. A few months previously, it had even interrupted its sale of oil, causing a further delay in the delivery of badly needed humanitarian supplies to the Iraqi population. Although there continued to be a shortage of foodstuffs and medicaments in the country, the Government had recently decided to stop its own rationing programme. Accordingly, Iraq should provide convincing evidence that it was using its resources to the maximum to end existing shortages of foodstuffs and medicaments; otherwise it could be suspected of using those resources for purchases not of a humanitarian nature, which was obviously not the goal of Security Council resolution 986 (1995).

7. In conclusion, he recalled that the Iraqi Government still refused to heed the persistent calls of the international community and that the country's future remained bleak, since Iraq still fell under the control of what could be called one of the most ruthless dictatorships that the world had seen since the Second World War.

8. **Mr. Al-Humaimidi** (Iraq) said that the report of the Special Rapporteur on the situation of human rights in Iraq (A/52/476) simply repeated the usual allegations and slanders on the basis of information provided by parties hostile to Iraq. On the situation in northern Iraq and the question of missing Kuwaitis, the Special Rapporteur merely reiterated the allegations contained in his previous report, to which Iraq had responded in detail in its report to the General Assembly at its fifty-second session (A/C.3/52/4). The allegation that Iraq's judicial, legislative and executive institutions breached international instruments was inadmissible and constituted interference in Iraq's internal affairs. Iraq's Constitution and laws gave those institutions specific powers and guaranteed their independence, as could be seen from Iraq's various responses on that question (A/46/647, A/49/394 and A/C.3/51/3). The rehashed allegations of so-called troop concentrations in the northern governorates were simply aimed at drawing attention away from and completely covering up the bloody clashes taking place between Kurdish factions as a result of foreign interference in the region, not to mention the repeated Turkish invasions that had taken place since 1991, with their consequent loss of civilian life and destruction of property. Furthermore, even though it had not done so, Iraq had the right to deploy its armed forces inside its own borders.

9. The allegations of arrests, summary executions and torture of villagers in Um Al-Ghizlan, Bani Sa'id and Al-Dawaya in September 1997 were groundless and had no factual basis. In fact, the competent Iraqi authorities occasionally brought legal proceedings against suspects or ordinary criminals in the regions in question in order to protect the safety of people and property. The allegations that there had been an attempted *coup d'état* and that the perpetrators had been executed was also pure invention. Regarding freedom of opinion and expression, the Special Rapporteur simply reiterated his previous allegations, to which Iraq had responded in document A/C.3/52/4. Concerning the allegations of forced displacement, what was in fact happening was that the populations of the governorates of Dohuk, Irbil and Sulaymaniyah had to flee periodic clashes between the Kurdish factions in Iraqi Kurdistan, the latest of which had been going on since October 1997, as well as intermittent Turkish invasions.

10. Contrary to the Special Rapporteur's allegations, his Government had not forcibly relocated Kurds or Turkomen in the areas of Kirkuk and Khanaqin. Actually, during the war against Iran, some families residing in combat zones had been moved for their own safety. The families had been duly compensated (see A/49/394). Moreover, reports of the alleged confiscation of agricultural land were groundless.

11. Since 1992, Iraq had reported regularly on the food and health care situation in its various reports to the Commission on Human Rights and the Third Committee. The Special Rapporteur, who should have looked into that situation as soon as he took up his mandate, paid little attention to that pressing issue. He referred to the Memorandum of Understanding and stated that he was satisfied with the way in which it had been implemented and with the facilities provided by the Iraqi Government, while expressing regret that observers had not been permanently deployed. His delegation categorically rejected such interference by the Special Rapporteur in an area outside his mandate and drew attention to paragraphs 39 and 40 of the Secretary-General's report in document S/1997/419, dated 2 June 1997, in which

the Secretary-General emphasized that the Iraqi Government had provided the requisite cooperation. The Special Rapporteur's allegations about the artificial nature of the ration card system were exaggerated and inaccurate. The measures taken by the Iraqi Government were aimed at preventing misappropriations and no one had been denied the right to register for the system. Moreover, the observers had not mentioned those allegations in their report. The Government had seen to it that rations were distributed equitably in northern, central and southern Iraq, including the marsh areas.

12. All human rights in Iraq were being flouted as a result of the maintenance of a complete embargo. If the Special Rapporteur had wanted to be fair and objective, he would have called for the embargo to be lifted so that the Iraqi people could enjoy all their rights. The Special Rapporteur's attitude was not in keeping with the guidelines contained in the relevant General Assembly resolutions, particularly resolution 51/105 of 12 December 1996, which emphasized the need to respect the principles of non-selectivity, impartiality and objectivity and requested the Special Rapporteurs and representatives to take those principles duly into account in carrying out their mandates. It was regrettable that the Special Rapporteur deliberately ignored those principles by using his prerogatives to denounce the Iraqi Government and by calling for a change of regime. That was a flagrant violation of the right of the Iraqi people freely to choose its own political system. His delegation categorically rejected all the allegations repeated by the Special Rapporteur, which were groundless and devoid of credibility.

13. **Ms. Al-Awadhi** (Kuwait) said that her country attached particular importance to human rights matters, providing all necessary health, education and cultural services to all its citizens without discrimination. The Constitution guaranteed the right to employment and education for all, as well as freedom of thought and assembly. The issue of human rights was of particular importance for Kuwait, because the entire population was suffering as a result of the delay by the Iraqi regime in freeing prisoners and detainees from Kuwait and elsewhere, as well as its uncooperative attitude at the meetings in Geneva of the Tripartite Commission and of its technical committee.

14. The human, social and psychological consequences of the Iraqi occupation continued to be felt. All levels of the population and most foreign residents had suffered human rights violations perpetrated by the occupying Power, which had spared neither lives nor property.

15. Her delegation supported the Special Rapporteur in his insistence that Iraq must cooperate with the Tripartite Commission in order to trace the missing persons, numbering about 600, who included prisoners of war, Kuwaiti citizens and nationals of third States, to take all necessary steps to enable international humanitarian organizations freely to visit all places of detention, and to free immediately all Kuwaiti citizens and nationals of third States.

16. Her delegation welcomed the adoption of Security Council resolution 1111 (1997), reaffirming the provisions of its resolution 987 (1995), which aimed to alleviate the continuing sufferings of the Iraqi people resulting from the regime's refusal to implement all the resolutions of the Council.

17. Inspired by the words of its Emir, who had said that Kuwait's goal was to achieve human brotherhood based on belief in human dignity and rights, her country had spared no effort to defend human rights in all international and regional forums, and hoped that the Dayton Peace Agreements would enable human dignity and rights to be protected in Bosnia and Herzegovina. She welcomed the prosecution of Serbian war criminals, who would have to answer for their crimes against humanity. Kuwait advocated international cooperation for the consolidation of peace and the promotion of development within the United Nations and other international bodies. Her Government was determined to take part in all international human rights forums, and would collaborate closely with all United Nations bodies and non-governmental organizations to help to strengthen the protection of human rights throughout the world.

18. **Mr. Kuehle** (United States of America), congratulating the Special Rapporteur on the situation of human rights in Iraq for his devotion and courage, expressed full support for his work. Iraq continued to deny the facts and complain of its treatment by the international community, but it was solely responsible for its current situation. As the representative of Kuwait had just pointed out, the Iraqi Government could, if it so desired, improve that situation by cooperating with United Nations human rights mechanisms and with the Special Rapporteur, particularly by permitting the latter to carry out his investigations in Iraq.

19. **Mr. van der Stoel** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq) said that, having listened attentively to the statement by the Iraqi representative, he was forced once again to note that the Government of Iraq had not changed its position and showed no inclination to implement the

relevant resolutions of the Security Council, the General Assembly or the Commission on Human Rights.

20. The representative of Iraq had once more repeated that the information contained in the reports on the situation of human rights in Iraq was false. If that was true, however, he wondered why Iraq refused to cooperate by permitting a group of independent observers, who would be appointed by the Secretary-General, freely to investigate the situation in Iraq.

21. It was true, as the representative of Iraq had said, that the Iraqi people were suffering terribly; but their views differed as to who was responsible. He recalled that if the Iraqi Government had promptly implemented the Security Council's "food for oil" formula, it could have spared its people much suffering. One could only hope, for the moment, that the formula would continue to be implemented appropriately and that the Iraqi Government would make the best use of the funds thereby made available. He could only react with alarm to the statement just made by the representative of Iraq, which seemed to suggest that the Iraqi Government felt that it was for the United Nations to resolve the food situation in Iraq. The United Nations should of course assist Iraq – Security Council resolution 986 (1995) provided the basis for that assistance – but the Iraqi Government should not rely exclusively on assistance from the international community to solve its problems.

22. Regarding the legitimacy of his statement as a whole, upon which the Iraqi statement had cast doubt, and as for the implicit accusation of interference in Iraq's internal affairs, he recalled that Iraq was bound by the International Covenant on Economic, Social and Cultural Rights, article 2 of which required every Government to undertake to take steps, individually and through international assistance and cooperation, to the maximum of its available resources, to fulfil its obligations under articles 11 and 12, which concerned respectively the right of everyone to be free from hunger and to the enjoyment of the highest attainable standard of physical and mental health.

23. Concerning the principles of universality, objectivity and non-selectivity, which the representative of Iraq had accused him of violating, he said that he was simply carrying out his mandate to assess whether the Iraqi Government was fulfilling its human rights obligations.

24. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) recalled that, for many years, the situation of human rights in the Islamic Republic of Iran had been far from satisfactory, and that much needed to be done by the Iranian Government in order to bring its policies and legislation into line with international human rights standards.

25. However, there had been some progress following the presidential election of the previous summer and the resulting change of Government. The new Government had frequently expressed its intention to effect significant change in various areas, including that of human rights. It remained to be seen in what way and to what extent those intentions would be implemented.

26. While serious human rights violations continued to occur in the Islamic Republic of Iran, as reflected recently in Iranian and foreign press sources which had reported that six people had been publicly lynched in the north of the country, the situation did allow a certain optimism. It was clear that the Iranian people wished to live a life that was more respectful of human dignity and that that wish, which had been made particularly clear in the results of the recent presidential election, was acknowledged by many in positions of power in the Islamic Republic of Iran. He therefore hoped to be able to report to the upcoming spring session of the Commission on Human Rights that the situation of human rights in the Islamic Republic of Iran had substantially improved.

27. Recalling that, as indicated in his report, he had not been invited to visit the Islamic Republic of Iran earlier in 1997, he expressed the hope that the Iranian Government would resume full cooperation with him and enable him to visit the country in order to fulfil his mandate.

28. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Burundi), noting that he had been unable to travel to Burundi since July 1996 for reasons beyond his control, said that he hoped that he would be able to do so soon in order to complete his analysis.

29. It was regrettable that the international community was unable to speak with a single voice and arrive at a negotiated solution among the various parties concerned. The fundamental rights of the people of Burundi were constantly being violated, and their sufferings were being prolonged.

30. In recent months, fighting between troops and rebels, struggles between rival elements of the armed wing of the Conseil national pour la défense de la démocratie (CNDD) and of the Parti pour la libération du peuple hutu (PALIPEHUTU), and rebel incursions in the provinces had led to considerable looting, destruction, and civilian loss of life. Explosions of anti-personnel and anti-tank mines, and ambushes allegedly carried out by the rebels, had further worsened the situation. Human rights violations had also remained everyday occurrences.

31. The suffering caused by the war had been aggravated by the economic sanctions imposed by several neighbouring countries. The deterioration of subsistence farming, which had once been the pride of Burundi, had been caused by the displacement or *regroupement* of several hundred thousand people. Combined with the sanctions, it had led to rising food prices and an increase in cases of malnutrition. Consequently, it had been difficult for health services to respond to the people's needs, and education had been seriously disrupted.

32. Conditions of safety, shelter, nutrition and hygiene were inadequate in the *regroupement* camps, which held 10 per cent of the country's total population, or 600,000 people; that tended to worsen the sufferings of displaced persons.

33. Faced with that situation, the Government of Burundi had improved security in several provinces, and had constantly reaffirmed its intention to continue its peace talks with all parties involved. The National Assembly had resumed its work. One could only regret that such attempts at democratization were obstructed by the continuing struggle among the country's major political forces, and the execution of six people in July 1997; the fate of about 150 other persons who had been sentenced to death also remained a source of considerable concern.

34. Any solution to the crisis in Burundi must be of a collective nature, since matters such as refugee flows and trafficking in weapons affected all of the countries concerned. There was an urgent need to impose an embargo on the sale of arms on all the countries of the Great Lakes region, accompanied by very firm measures against anyone who contravened it; to reform the police and the armed forces, to remove the unfair and inhuman economic embargo which was severely affecting the poorest people; and, as soon as possible, to organize elections throughout the country taking account of the composition of the population, which was mostly Hutu.

35. It was time for the international community and the United Nations to take urgent collective measures to end the violence and resolve the ethnic and economic problems.

36. **Mr. Ndaruzaniye** (Burundi) said that it was particularly difficult to talk about human rights in a country which had just been ravaged by four years of civil war; nonetheless, they should be discussed with rigour and realism.

37. In its desire to ensure transparency and promote dialogue, his Government wished to cooperate with all those who were determined to alleviate the people's suffering, particularly with the Commission on Human Rights and the Special Rapporteur. The latter had shown great openness of mind, and Burundi would therefore give favourable consideration to his request to visit the country.

38. Human rights had undeniably been violated over the past four years in Burundi, and it was the duty of the Government, in cooperation with the international community and human rights organizations, to remedy the situation.

39. For three years, the population of Burundi had been decimated by organized genocide, which had caused an International Commission of Inquiry to call for the setting up of an international criminal tribunal. In their shame at those disgraceful events, and fearful of a possible escalation of the civil war, the people of Burundi who wished for peace and democracy had appealed to President Buyoya, in the hope that he would save the nation.

40. That political change had led to the imposition of a total embargo which, far from helping democracy and restoring peace, had worsened the misery of the Burundian people. Problems could not be solved by refusing health care, preventing children from going to school, denying displaced populations access to humanitarian assistance, or preventing rural people from cultivating their land. Democracy entailed respect for human life.

41. The Government of Burundi welcomed the Special Rapporteur's appeal against the sanctions, whose crippling effects had continued for more than 18 months. It called on the international community to implement a three-stage peace process that comprised opening a political dialogue among the parties to the conflict, beginning a national debate to enrich that dialogue, and organizing peace conferences allowing Burundis outside the country to participate in the negotiations. It also expressed its gratitude to the countries which, under the leadership of Julius Nyerere, former President of the United Republic of Tanzania, were attempting to help the country achieve a peaceful, negotiated settlement of the conflict.

42. In view of the fact that the right to a homeland was second only to the right to life itself, the Burundi Government thanked neighbouring countries that had accepted Burundi refugees. It was facilitating the voluntary return of all Burundis who wished to return to their homeland and was also assisting all those displaced within the country. For those purposes, it had initiated a programme of repatriation, reconstruction and reintegration.

43. It could now be stated that the human rights situation in Burundi had markedly improved since July 1996, a

situation which the Special Rapporteur could confirm or deny when he visited the country.

44. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Burundi) thanked Burundi for its invitation, which would allow him to submit a new report.

45. **Mr. Ball** (New Zealand), speaking on behalf of Canada, Australia and New Zealand on agenda item 112, sub-items (a), (d) and (e), said that the Governments of the three countries, while firmly supporting the human rights treaty body system, recognized that the system needed to be improved, and they welcomed the recommendations of the independent expert on the matter (E/CN.4/1997/74).

46. Reporting obligations were placing burdens not only on States parties to the treaties, but also on the treaty bodies, which all faced a large backlog of reports to consider. The Governments of the three countries also recognized the need for the Office of the High Commissioner for Human Rights to provide technical assistance to developing countries with a population of less than 1 million in preparing reports, as had been recently recommended by the chairpersons of the treaty bodies.

47. The three countries also took note of the recommendations of the independent expert that periodic reports should be shorter, more analytical and more focused, and suggested that the timing of the submission of reports to the various bodies should be harmonized in order to improve coordination between the treaty bodies and other United Nations human rights mechanisms.

48. The Governments of Australia, Canada and New Zealand welcomed the growing interest in treaty body reform, as evidenced by the conferences recently held by the treaty bodies themselves and within the United Nations Secretariat. They were also encouraged by the interest and efforts of the individual Committees in considering how to reform their own reporting requirements, working methods and procedures, especially in the area of communications, and supported the continuing work by the Secretariat on treaty body reform.

49. Australia, Canada and New Zealand welcomed the appointment of the new High Commissioner for Human Rights, and also welcomed her report to the Third Committee (A/52/36). That report identified as a priority the need to implement the objectives of the Vienna Declaration and Programme of Action. They further welcomed the consolidation of the Office of the High Commissioner and the Centre for Human Rights into a single administrative unit, which would enable the High Commissioner to better carry out her mandate.

50. The Governments of the three countries highlighted the need to integrate human rights throughout the work of the United Nations, taking into account the system's other activities, in order to improve coordination between the field operations of the High Commissioner's Office, the Department of Peacekeeping Operations and the Department of Political Affairs. That would place an increased burden on the New York office of the High Commissioner, and would require the staffing of that office at a more senior level as well as the provision of adequate resources.

51. With regard to the celebration in 1998 of the fiftieth anniversary of the Universal Declaration of Human Rights, the Governments of Australia, Canada and New Zealand supported devoting the 1998 Economic and Social Council coordination segment to human rights issues. 1998 would also be an occasion to reaffirm the consensus from the Vienna World Conference, and for States to ratify those human rights treaties to which they had not yet become parties. The United Nations should also take the opportunity to recognize the efforts of all those who were working for human rights throughout the world by adopting a strong declaration on human rights defenders.

52. There was also a need to increase the share of regular budget resources for the United Nations human rights system, whose chronic under-funding was projected to worsen during the biennium 1998-1999. Among other problems, the inadequate and ad hoc financing of United Nations human rights field operations made it difficult for them to achieve their mandated objectives.

53. In the area of human rights implementation, the Governments of the three countries fully supported the mandate which the Secretary-General had given to the High Commissioner for Human Rights with a view to improving the coordination of technical assistance in that domain.

54. **Mr. Rodriguez Parrilla** (Cuba) noted that his country did not purport to be a model for anyone, but prided itself on having a democracy that allowed every Cuban to participate in the political life of the country. Cuban socialism was independent, viable and modern because it was based on the consensus of the Cuban people. In Cuba, people went to the polls, as had happened the previous October, based on universal suffrage. Participation was voluntary, the electoral age was 16, and the ballot was direct and secret. Everyone was able to vote.

55. In Cuba, there was no political corruption, and "financial contributions", electoral frauds (as had just occurred in Miami) and political favours did not exist.

56. Everyone voted: women, young people, and the elderly, because there was no discrimination. It was the voters, and not corrupt and scarcely representative political parties, who nominated candidates and made choices. Parliamentarians did not exercise their functions for life, neither was there a monarch who appointed the members of some chamber. Electors could recall elected officials quickly and at any time. Annulled or blank ballots did not reflect political dissidence; although such ballots had totalled 7 per cent in the most recent election, they were simply the product of the electors' consciences.

57. It seemed that political systems were in crisis. Most people did not believe in or feel represented by politicians, so they did not vote. Those who wanted to impose a single system had better convince their own electors that it worked, and then demonstrate that the entire planet could be restricted to one single electoral or political model. They would then have to demonstrate that a single model, which seemed to be working badly and worse every year in the North, would work better in the South, where millions of people did not have enough to eat, could not read and had no medical care. They would also have to show that the cultures of the South were inferior, its religions pagan, and its traditions barbaric. In short, they would have to recolonize it.

58. The Special Rapporteur, in spite of his efforts, had not convinced the Cuban delegation.

59. **Mr. Chowdhury** (Bangladesh) said that his Government supported the Secretary-General's proposal to make human rights a priority concern of the United Nations; it believed that the question of human rights had to be addressed through an integrated approach, in which civil, cultural, economic, political and social rights, including the right to development, were perceived to be of equal importance, and in which human rights were linked to respect for democracy and the primacy of law.

60. The intrinsic link between development and human rights was recognized in the Vienna Declaration and Programme of Action. Consequently, as the reforms of the Organization were being addressed, the emphasis on the promotion and full realization of the right to development should be made a high priority. He therefore called upon the High Commissioner for Human Rights to consider the establishment of a separate and new branch for that purpose in her Office. It would also be appropriate for the High Commissioner to address the need for coordination and cooperation in that area throughout the United Nations system.

61. In 1998 the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the adoption of the Vienna Declaration and Programme of Action would be celebrated. His country would mark the occasion by acceding to some of the major human rights instruments and by establishing a national human rights commission, to be ratified in 1998 by Parliament, and developing nationwide programmes aimed at generating greater awareness on human rights at all levels.

62. His country was constitutionally committed to the promotion and protection of human rights and fundamental freedoms. To that end, a study on the institutional development of human rights had been undertaken with the assistance of UNDP. It involved a participatory rural appraisal methodology by which people identified their own problems at the grass-roots level and proposed solutions.

63. Innovative steps taken by Bangladesh included the establishment of a law commission to consider the country's position on international human rights instruments. Moreover, the Public Administration Reforms Commission had recommended the appointment of an ombudsman to ensure transparency in administration and for the settlement of disputes, and the establishment of village courts was under consideration.

64. His country would need financial and technical assistance from the Office of the High Commissioner for Human Rights and other relevant United Nations agencies in order to realize all those commitments.

65. **Mr. Zmeevski** (Russian Federation), recalling the objectives of the Universal Declaration of Human Rights, said that the Declaration applied to all, and that it was unacceptable, under the pretext of righting past wrongs, to tolerate new forms of discrimination, including discrimination against national minorities. Reforms regarding United Nations activities in the area of human rights and the evaluation of the progress achieved in the implementation of the Vienna Declaration and Programme of Action should take that into consideration.

66. In just a few years, his country had made the transition from a totalitarian regime to a State open to the world, with a market economy, a free electoral system and independent media, which was now part of the Council of Europe. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the President of the Russian Federation had issued a decree proclaiming 1998 Human Rights Year in Russia. A national commission had been established to coordinate activities to mark the Year, and a programme of action for human rights was being developed. His country had undertaken wide-ranging reforms with a

view to strengthening the judiciary and law enforcement, in order to protect the country and its people from corruption and organized crime.

67. His country had declared a moratorium on capital punishment that was being strictly observed.

68. Many ethnic groups lived side by side in his country. Despite difficulties resulting from the transition period, it was doing everything in its power to help promote those ethnic groups and to ensure that their cultures and languages contributed to the enrichment of the national culture. The President of the Russian Federation had recently issued a decree giving the cultural renewal programme for German-speaking Russians the status of a presidential programme. Guaranteeing national minorities enjoyment of their rights would contribute to the stability and prosperity of the country.

69. His country's relations with neighbouring countries also promoted stability in the region. However, it could not remain indifferent to the plight of the some 25 million Russians who, by force of circumstance, no longer resided in the national territory, particularly when they were denied the means to keep themselves informed and practice their culture, and did not have the right to be educated in their native language or participate in the activities of organizations representing their interests. In October 1997, the issue had been debated in the Federal Assembly, which should lead to recommendations to prevent such practices from spreading. Despite the progress made, it was unacceptable that in Estonia and Latvia hundreds of thousands of people of Russian origin continued to be denied citizenship and therefore their civil, political, social, economic and cultural rights. Notwithstanding General Assembly decision 51/421, there was no indication that the Estonian and Latvian authorities were willing to implement the recommendations of the Organization for Security and Cooperation in Europe or of other regional or international organizations. His country had recently transmitted documents to the High Commissioner for Human Rights informing her of the problem, and would continue to concern itself with the matter until a just solution in strict conformity with international law had been found.

70. **Mr. Bohaievsky** (Ukraine) said that the institutions responsible for the protection of human rights must be provided with the means to carry out the task of strengthening the role that the United Nations should play in that important area. It was also essential to make further intensive efforts to implement fully the provisions of the Vienna Declaration and Programme of Action. It was particularly important to restructure the Centre for Human Rights, and to review the working methods of the Commission on Human Rights. It was regrettable that recent efforts to improve the efficiency of the Commission's work had not been successful. Duplication and the inefficient use of financial and other resources had already given rise to doubts as to the Commission's ability to meet the human rights challenges of today's world adequately.

71. His country's experience with the submission of periodic reports to United Nations treaty bodies, especially its third periodic report on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, testified to the fact that because of overburdening and lack of time the bodies in question were unable to given sufficient attention to the peculiarities of each individual country's policy in the field of human rights. Reports were not always thoroughly analysed, the situation was not compared to the previous one and questions about and assessments of the human rights situation were often mere clichés. As the issue of the effectiveness of treaty bodies had been raised by many other countries, it would be useful to consider setting up a sessional working group within the Commission on Human Rights to study the practice of regional monitoring bodies to avoid miscalculations in assessments of human rights situations.

72. Since United Nations cooperation with non-governmental organizations had become important in the field of human rights, new approaches were required. The increasing number of non-governmental organizations that took part in the sessions of the Commission on Human Rights complicated the Commission's work at its sessions and reduced the possibilities for constructive dialogue among the delegations of Member States. Statements of non-governmental organizations were sometimes made merely to harass the Government in question. Round tables might be an acceptable form of cooperation with non-governmental organizations, and some plenary sessions could be held jointly. It would also be worth establishing a periodical United Nations publication on human rights with articles by political leaders and representatives of non-governmental organizations. Furthermore, non-governmental organizations could transmit their views and proposals to the Centre for Human Rights, which would be better able to analyse them after its restructuring.

73. Cooperation could also be strengthened between the working groups taking part in the elaboration of draft documents in the field of human rights and external experts. It was no secret that some of the United Nations working groups required skilled external assistance not only because of the complexity and political sensitivity of the issues being

discussed but also because of the peculiarity of their working methods. The working group of the Subcommission on Prevention of Discrimination and Protection of Minorities had been working on the draft declaration of the rights of the world's indigenous peoples for more than 10 years and had prepared a document that the Ukrainian delegation could not accept because of the reasons explained in its statement on agenda item 109.

74. His country's national human rights policy had recently resulted in the improvement of control mechanisms for law enforcement, the strengthening of the role of non-governmental organizations, and the introduction of programmes to increase the level of citizens' awareness of legal concepts. Ukraine had already ratified Protocols Nos. 1, 2, 4, 7 and 11 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. On 5 May 1997, it had signed Protocol No. 6 to the European Convention, concerning the abolition of the death penalty, which would enter into force in the country following its ratification by Parliament. The signing of Protocol No. 6 would pave the way for full implementation of European human rights standards. On 13 November 1997 Parliament had adopted a law establishing the office of Human Rights Representative. The purpose of the law was to guarantee citizens' rights and freedoms, particularly with respect to the culture and language of Ukraine, and the rights of minority groups and of people who had been deported under the totalitarian regime. His country attached particular importance to protecting the rights of the more than 12 million ethnic Ukrainians residing in over 50 countries, since their rights were not adequately secured in some of those countries.

75. **Mr. Chiranond** (Thailand), speaking under agenda item 112 (b), said that he would like to address the interim report on the elimination of all forms of religious intolerance (A/52/477). Thailand had responded to a communication addressed to it by the Special Rapporteur concerning religious tolerance in Thailand in an official note from the Government of Thailand to the United Nations Office at Geneva (No. 2150/2540) dated 22 September 1997.

76. His country's policy was not as described in the interim report. The Thai Constitution guaranteed that all persons were equal before the law. Thai people had the right to choose and practice a religion as long as their civic duties and public morality were not affected. Discrimination against persons on the grounds of religious differences was unconstitutional. Thailand had long enjoyed peaceful coexistence and social harmony among its people of various religions and ethnic origins. It had moreover, long recognized that education played a significant role in fostering mutual understanding among people of different backgrounds and beliefs. Its national education curriculum prescribed that the three major religions in Thailand – Buddhism, Christianity and Islam – should be studied at all levels of education, with due regard to the age of students. Textbooks not only incorporated the history and principles of each religion but also aimed at enabling students to apply religious principles in their everyday lives, creating understanding, tolerance, peace and social harmony in Thai society. There had been Islamic and Christian schools in Thailand for nearly a century.

77. Furthermore, as a party to the Convention on the Rights of the Child, his country had taken steps to guarantee that education placed emphasis on the development of respect for the cultural identity and language of all children, as well as on their preparation as responsible citizens in a free society, in a spirit of understanding, peace, tolerance, gender equality and friendship among all ethnic and religious groups. The information which his Government had provided to the Special Rapporteur, and which should have been reflected in the report, did not in any way indicate that only Buddhism had been included in textbooks for public schools. His delegation hoped that the Special Rapporteur would amend his report in due course, or that at the least the next report would incorporate a pertinent explanation.

78. **Mr. Arda** (Turkey) said that the issue of human rights violations by groups and individuals was currently under discussion by independent experts in the Subcommission on Prevention of Discrimination and Protection of Minorities. In that connection, he wished to draw attention to the work of the InterAction Council, a group of former heads of State or Government from some 30 different countries, which had adopted the Universal Declaration of Human Responsibilities. His delegation hoped that 1998, which would be the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action, would not only serve as a year for taking stock of past achievements but would also provide an opportunity for discussing new approaches to human rights. The current mandate of human rights mechanisms should not serve as an excuse for preventing discussions on the role and responsibilities of individuals and groups in human rights. His delegation would therefore again submit a draft resolution on human rights and terrorism to the Committee, at the current session of the General Assembly.

79. All kinds of human rights violations, whether by States, groups or individuals, needed to be thoroughly investigated; no shortcomings in that regard should be tolerated by either national institutions or the international

community. At the same time, allegations concerning human rights violations should be prevented from serving as material for domestic political consumption or from being exploited for the purpose of hidden agendas.

80. His delegation found it regrettable that the financial and human resources available to the Office of the United Nations High Commissioner for Human Rights were far from adequate to meet its needs, which adversely affected its functioning; that situation also had repercussions on documentation which, besides being submitted late, sometimes contained misinterpretations of information from various sources, even though reliability should be the major criterion of the Office.

81. Since it was primarily the duty of Governments themselves to improve the human rights situation in their countries, Turkey was constantly reviewing its legislation; since 1987, Turkish citizens had had the right to submit individual petitions to the European Commission of Human Rights. In 1988, Turkey had ratified without any reservations, the International Convention against Torture and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including article 22. In 1990, it had recognized the compulsory jurisdiction of the European Court of Human Rights.

82. As to the allegations made by the European Union about human rights violations in Turkey, his delegation was perplexed that the European Union had confined itself to welcoming the statements made by his Government while ignoring the concrete steps his Government was continuously taking to enable its citizens to enjoy their rights more fully. Over the past few months, for example, detention periods in Turkey had been reduced to the level applied in most European Union countries, the state of emergency had been lifted in most of the provinces where it still existed, the Turkish Parliament had ratified Protocol No. 11 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, an inter-ministerial human rights coordination body had been established, non-governmental organizations active in the field of human rights had participated in the meetings of that body, and the Committee on the protection of journalists had visited Turkey and had witnessed the dynamic political debate taking place on television channels and radio stations and in the press. It had also witnessed the Turkish Parliament enacting new legal measures to increase freedom of expression. Turkey therefore hoped that the European Union would review its monitoring mechanisms and would acknowledge that Turkey had made some progress in that field.

83. Turkey supported the efforts that were being made to protect human rights in Bosnia and Herzegovina. However, those efforts would be doomed to failure if nothing was done to deal with the immense suffering caused by nearly four years of genocide, ethnic cleansing and mass rapes. Justice could not be achieved unless the perpetrators of such crimes were brought to trial.

84. **Mr. Seksenbayev** (Kazakhstan) said that Kazakhstan supported the Secretary-General's proposal to consolidate the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights as the Office of the United Nations High Commissioner for Human Rights, believing that that measure would ensure coordination and consistency of priorities and action in the field of human rights and would provide a solid institutional base for the human rights programme. In order to avoid duplication in the work of human rights bodies, the human rights machinery should be reviewed with a view to rationalizing it.

85. Kazakhstan's policy was to give absolute priority to human rights and relevant international standards, and to establish a civil society and uphold the rule of law on the basis of the free development of public and institutional systems for safeguarding human rights; that policy was confirmed in its Constitution.

86. In order to supplement the traditional legal structures, Kazakhstan had established a human rights commission attached to the President of the Republic which was responsible for clearly exposing the reasons for human rights violations and trying to eliminate them; it worked in conjunction with other bodies to forge a close link between the authorities on the one hand and the population and social associations on the other, particularly through its local representatives. The commission and the relevant departments were completing their work on a draft State programme for human rights and fundamental freedoms which was the result of constructive cooperation between the State authorities and non-governmental organizations. His delegation believed that the commission was working in the direction of the decisions set forth in the Vienna Declaration and Programme of Action.

87. In order to educate the population about human rights, Kazakhstan had established a working group which would formulate a plan of action designed to achieve the goals of the United Nations Decade for Human Rights Education (1995-2004). The commission's work was bound to benefit from the implementation of the project on democracy, governance and participation devised jointly with UNDP

which envisaged the establishment of a scientific and educational centre for human rights in Kazakhstan.

88. Kazakhstan planned to establish a special human rights body with specific powers.

89. Since becoming independent, Kazakhstan had ratified or acceded to a number of international human rights instruments. Its cooperation with other States was developing successfully on the basis of bilateral and multilateral inter-State or interdepartmental agreements. Kazakhstan was also carrying out a full-scale reform of its judicial and law enforcement systems.

90. Civil and political rights were enshrined in the Constitution and were fully observed. Kazakhstan was currently working on a draft law on local government and self-government which provided for the increased participation of citizens in the work of local elected organs of power. Kazakhstan was also working to ensure respect for economic, social and cultural rights.

91. His delegation supported the efforts of the Office of the United Nations High Commissioner for Human Rights and its preparations for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action, landmark events which would provide an opportunity to reflect on the current state of human rights and outline a clear course for the future.

92. **Ms. Tolle** (Kenya) said that the Kenyan people were anxiously awaiting the achievement of the ideal of the universality, indivisibility and interdependence of all human rights and the principles of universality, objectivity, impartiality and non-selectivity in the consideration of human rights.

93. It was encouraging to note that the Office of the United Nations High Commissioner for Human Rights had achieved some progress in recent years in promoting international cooperation in the field of human rights through a constructive dialogue on the basis of mutual respect and equality of States. The High Commissioner had introduced new working methods designed to foster a global partnership for the promotion and protection of all human rights. Her delegation was convinced that culture and traditions, economic development and even political institutions must be understood and respected by all, which would eliminate the confrontational practices which had dominated the work of the General Assembly and the Commission on Human Rights in the past.

94. Kenya supported the efforts of the High Commissioner to coordinate the preparations for the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action, both of which would be celebrated in 1998. Kenya attached great importance to the reforms in the field of human rights that had been proposed by the Secretary-General and hoped that the General Assembly would fully address the reform proposals and receive views from all parties concerned in order to ensure a balanced, objective and comprehensive reflection.

95. Kenya attached great importance to the right to development as a universal and inalienable right and an integral part of fundamental human rights. Her delegation supported the ongoing search for lasting solutions that would eliminate obstacles to the realization of the right to development, especially in developing countries, at both the national and international levels. Those efforts would be in vain unless effective and sound development policies at the national level were supported by non-discriminatory economic relations and a favourable international economic environment. Her delegation therefore called upon the international community, including the United Nations system, to provide all the necessary financial, material and human resources to the United Nations High Commissioner for Human Rights in order to enable her to carry out her mandate rapidly and effectively.

96. With regard to the national capacity of Member States in the area of administration of justice, her delegation considered that financial, technical and material support in the field of human rights should be extended to the needy developing countries, particularly those in Africa. In accordance with the decisions of the General Assembly and the Commission on Human Rights, her delegation wished to request the Centre for Human Rights to give priority in its technical assistance programme to organizing training, on request, for officials in charge of national institutions for the promotion and protection of human rights instruments and standards. Her delegation reiterated its call for increased contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

97. Kenya had recently established an interministerial committee with a mandate to compile and submit the periodic reports required of Kenya under international human rights instruments.

98. As her delegation had already announced to the Committee at the fifty-first session, in May 1996 the President of Kenya had appointed a standing committee on human rights, which had received several petitions and had undertaken prompt investigations of the allegations of human rights violations that had been referred to it. The

committee had submitted to the President three comprehensive reports based on their findings. The committee also organized symposia, training sessions and discussion panels and published periodicals and newsletters.

99. Her delegation had carefully noted the comments made by the delegation of Luxembourg on behalf of the European Union, particularly concerning the programme for constitutional, legislative and administrative reforms in Kenya, and confirmed that in 1997 the Kenyan Parliament had adopted three laws that would be implemented to the letter and which had created a favourable environment for the fair and free general elections scheduled for 29 December 1997. That demonstrated that the Government of Kenya was firmly committed to the implementation of political reforms, and it had made every effort to put an end to indiscriminate violence perpetrated by disgruntled elements.

100. In order to promote and protect human rights in conformity with the Charter of the United Nations and international law, all States should exercise transparency and engage in cooperation and dialogue with each other. It was important to stop using human rights as a political weapon for foreign policy or development cooperation, since that practice only promoted confrontation and undermined the spirit of international cooperation in the field of human rights.

101. **Mr. Borel** (Observer for the International Committee of the Red Cross (ICRC)), taking the floor on agenda item 112 (e), said that human rights law and humanitarian law were two sets of rules which, while similar in that both sought to protect the individual, were different from each other in three respects. First, humanitarian law had a more limited objective than did human rights law, since it was applicable solely in situations of armed conflict and, without seeking to improve society, sought to protect the life, dignity and physical integrity of the individual against violence and arbitrary behaviour. Secondly, whereas human rights allowed for derogations in certain situations, humanitarian law admitted none. Thirdly, humanitarian law applied not only to States but to any party to an armed conflict.

102. In addition to the situations covered by the 1949 Geneva Conventions and their Additional Protocols, ICRC also took action in situations of internal disturbances and other forms of collective violence. At the International Conference of the Red Cross and Red Crescent, the States parties to the Geneva Conventions had fully endorsed that adaptation of the mandate of ICRC. Since the activities of ICRC were related to situations of violence, they reflected the close relationship between human rights law and humanitarian law. For example, when its delegates visited detainees and engaged in a regular dialogue with the authorities, ICRC helped prevent disappearances and torture. By providing medicines and distributing food and clothing, ICRC protected the lives of vulnerable people.

103. Through the combined efforts of all the actors, both governmental and non-governmental, violations of fundamental rights could be prevented or brought to an end. In that regard, ICRC commended the new field operations of the High Commissioner for Human Rights. Overlapping should be avoided, and there should be no neglected areas in activities of protection (which should complement each other at all levels), particularly in working methods. For its part, ICRC relied mainly on direct and confidential dialogue with its interlocutors. Its means of action were access to victims, a continued presence and persuasion. For example, in the area of detention, the concerted approach adopted with human rights observers in Rwanda had been very encouraging and had confirmed that ICRC should deal mainly with the living conditions and treatment of detainees, leaving human rights observers to deal mainly with judicial issues and ensuring respect for applicable norms. The increasingly desperate plight of penal law detainees in a growing number of countries also merited deeper involvement.

104. In the area of protection of the civilian population, the work of ICRC was to obtain respect for the lives and physical integrity of civilians, while the work of human rights observers was to re-establish civil society and restore the population's enjoyment of civil and political rights. While ICRC acted in situations of armed conflict as a neutral and impartial intermediary, human rights organizations had the role of ensuring the transition towards pacification. The need to respect the mandates of each had led ICRC to take part in informal talks with the office of the High Commissioner and the Colombian Government with a view to setting up a mission of the office of the High Commissioner in Colombia.

105. Apart from field operations, ICRC considered it important to promote complementary action and mutual support between the office of the High Commissioner and those of ICRC in the dissemination of humanitarian law and its implementation at the national level, as well as in the field of training.

106. It was clear that the field activities of the High Commissioner for Human Rights and those of ICRC had several points in common. That was why the two institutions had established contacts within the framework of the Inter-Agency Standing Committee and had begun a high-level dialogue.

The meeting rose at 1.15 p.m.